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In re Application of: :
Ming-Dou Ker et al. :
Serial No.: 09/944,171 :
Filed: September 4, 2001 :
For: ESD PROTECTION CIRCUIT WITH VERY :
LOW INPUT CAPACITANCE FOR HIGH- :
FREQUENCY I/O PORTS :

DECISION ON PETITION

This is a decision on the petition, filed October 1, 2004 to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failing to timely filed the appeal brief¹. A Notice of Abandonment was mailed on September 20, 2004.

Petitioner asserts that the appeal brief was timely filed on March 1, 2004, along with a petition for an extension of time of one month and requisite fees as evidenced by a copy of the postcard receipt from the USPTO dated March 1, 2004.

The file record does not indicate receipt of the appeal brief or the fees associated with its filing and these papers cannot be located. However, M.P.E.P. § 503 states that: "A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. "

¹ The Notice of Abandonment incorrectly indicated that the case was held abandoned for failure to respond to the final Office action.

In view of the postcard receipt and petitioner's statement, it is determined that the appeal brief was timely filed but lost after receipt thereof.

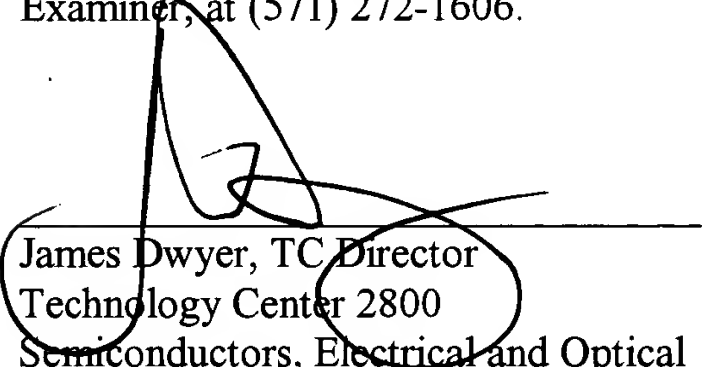
The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The appeal brief filed with the petition is accepted since the originally submitted appeal brief is apparently lost.

The one-month extension of time fee and the fee for filing the appeal brief will be charged to petitioner's deposit account.

The examiner will consider the appeal brief and take appropriate action.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



James Dwyer, TC Director
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Systems and Components